

Exhibit B

From: [Sarah Salomon](#)
To: [Katy Peaslee](#); [OpenAICopyright](#); [KVP-OAI](#)
Cc: [NYT-AI-SG-Service@simplelists.susmangodfrey.com](#); [#Microsoft.NYClassAction.FDBR](#);
[NewYorkTimes_Microsoft_OHS@orrick.com](#); [dailynews-ai-rfem@rothwellfigg.com](#);
[openaicopyrightlitigation.lwteam@lw.com](#)
Subject: RE: Proposal to Resolve ECF 383
Date: Wednesday, January 15, 2025 3:29:09 PM

EXTERNAL Email

Katy,

The Times has not provided a clear explanation for its refusal to respond to RFAs 36, 37, and 39 within the 30 days provided for by FRCP 36. You also have not explained why the Times maintains that these RFAs currently “do not address straightforward points that can be admitted or denied,” but will be susceptible to a straightforward admission or denial at some later point undetermined.

If the Times provides a supplemental response to these RFAs by Friday, that will allow OpenAI enough time to evaluate and determine whether the issues raised in ECF 383 are resolved. Let us know if you are willing to do so. Otherwise, OpenAI rejects the Times proposal.

Thanks,

Sarah Salomon

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From: Katy Peaslee <KPeaslee@susmangodfrey.com>

Sent: Tuesday, January 14, 2025 11:16 PM

To: OpenAICopyright <OpenAICopyright@mofo.com>; KVP-OAI <KVPOAI@keker.com>

Cc: NYT-AI-SG-Service@simplelists.susmangodfrey.com; #Microsoft.NYClassAction.FDBR
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dailynews-ai-rfem@rothwellfigg.com; openaicopyrightlitigation.lwteam@lw.com

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[EXTERNAL]

Counsel,

The Times continues to disagree that RFAs 36, 37, and 39 are proper RFAs for the reasons already discussed. However, in an effort to avoid placing another dispute before the Court, The Times is willing to supplement its response to these requests prior to the close of fact discovery. Please let us know if this resolves the dispute.

Best,

Katy

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